

MINUTE ITEM

This Calendar Item No. C11 was approved as Minute Item No. 11 by the California State Lands Commission by a vote of 3 to 0 at its 12-09-03 meeting.

**CALENDAR ITEM
C11**

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12/09/03

PRC 6454

WP 6454.1

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B. Dugal

GENERAL LEASE - RECREATIONAL USE

LESSEE/APPLICANT:

Fleur Du Lac Estates Association
P.O. Box 628
Homewood, CA 96141

AREA, LAND TYPE, AND LOCATION:

0.593 acres, more or less, of sovereign lands in Lake Tahoe, near Tahoe Pines, Placer County.

AUTHORIZED USE:

Continued use and maintenance of 11 floating boat slips, one steel sheet pile jetty and breakwater with one pier, one rock filled breakwater with a wood walkway and one steel sheet piling breakwater, remnants of wood pile jetties, and a portion of one boathouse as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning July 27, 1998.

CONSIDERATION:

\$3,788 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$1,000,000.

OTHER PERTINENT INFORMATION:

1. On November 9, 1993, the Commission authorized a General Lease - Recreational Use with Fleur Du Lac Estates Association (Lessee). That lease expired on July 26, 1998. The Lessee is a homeowners' association that owns a littoral parcel from which the facilities extend onto State-owned land. Pursuant to section 6503.5 of the Public Resources Code,

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the Lessee does not qualify for "rent-free" status due to the fact that not all facilities are utilized for the purpose of mooring boats and three parcels within the Association's subdivision are not owned by natural persons. Fleur Du Lac Estates Association is now applying for a new General Lease - Recreational Use.

2. The proposed annual rental for this lease was prorated based on the number of lots/members qualifying for "rent-free" status. 86% of the parcels are owned by natural persons and qualify for the rent-free status while the remaining 14% do not qualify for the rent-free status under section 6503.5 of the Public Resources Code.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Location and Site Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

N/A

CALENDAR ITEM NO. C11 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

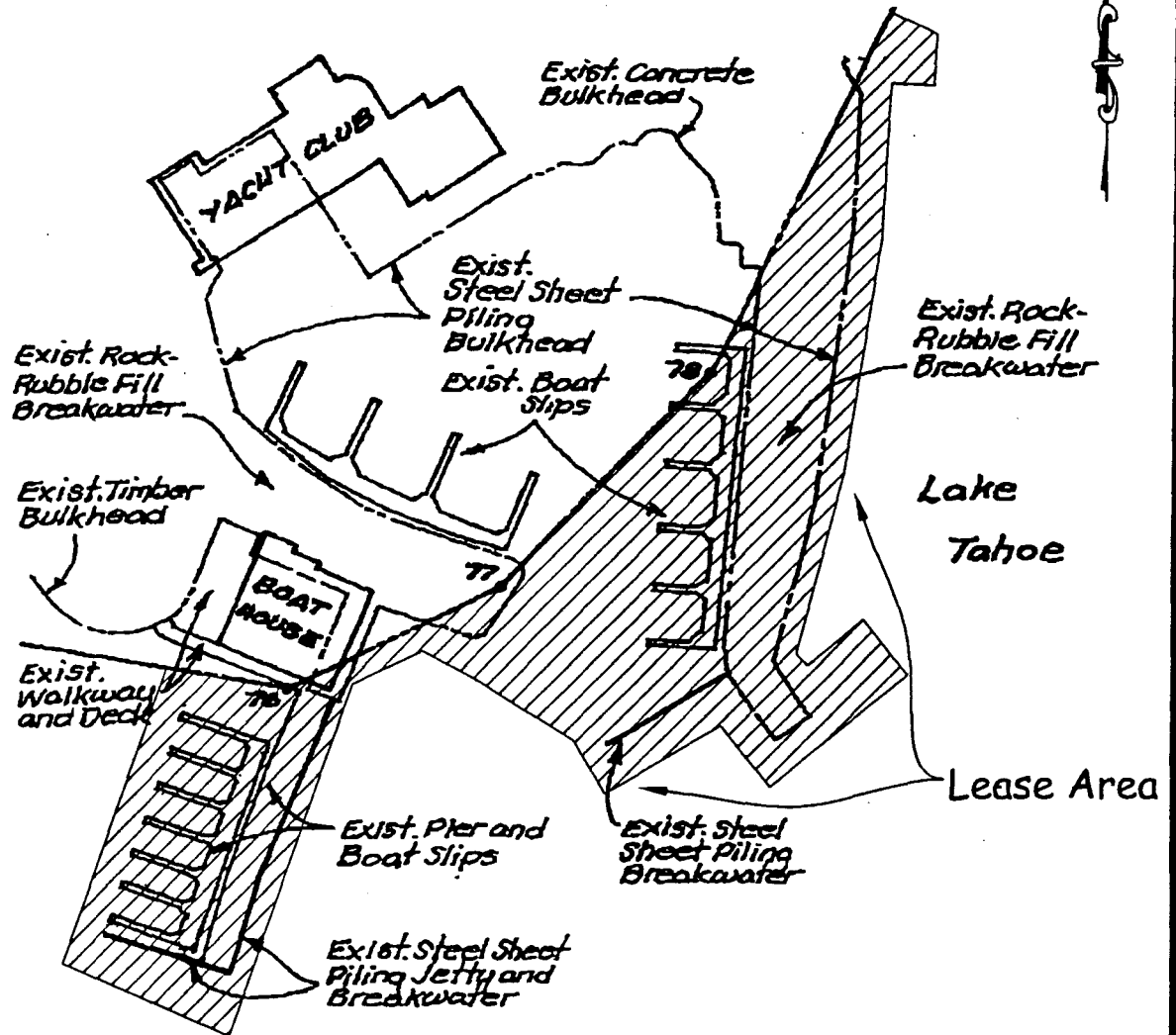
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO FLEUR DU LAC ESTATES ASSOCIATION OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING JULY 27, 1998, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF 11 FLOATING BOAT SLIPS, ONE STEEL SHEET PILE JETTY AND BREAKWATER WITH ONE PIER, ONE ROCK FILLED BREAKWATER WITH A WOOD WALKWAY AND ONE STEEL SHEET PILING BREAKWATER, REMNANTS OF WOOD PILE JETTIES, AND A PORTION OF ONE BOATHOUSE AS SHOWN ON THE EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$3,788, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

SITE



FLEUR DU LAC ESTATES CONDOMINIUM SUBDIVISION

APN 085-410-044

NO SCALE

LOCATION

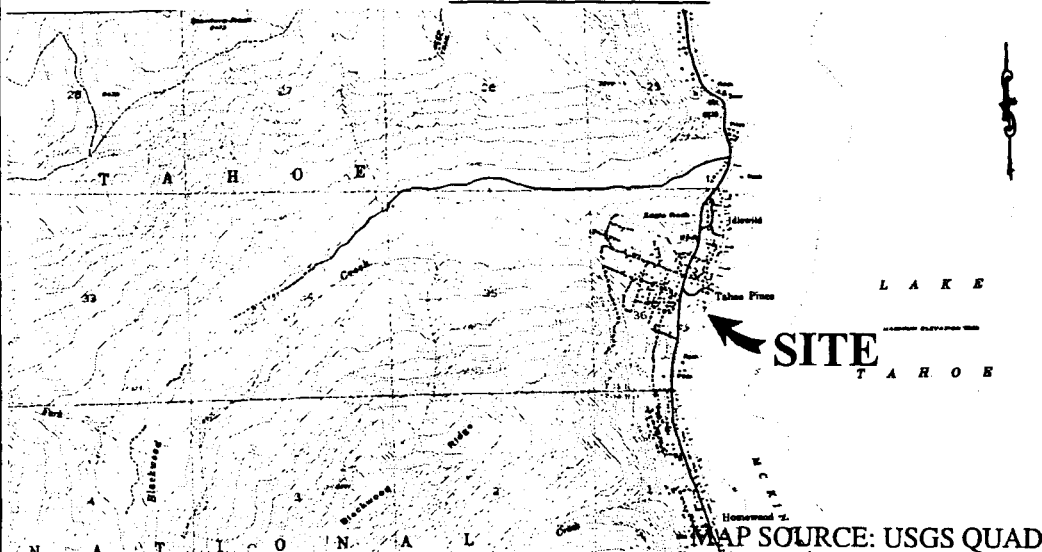
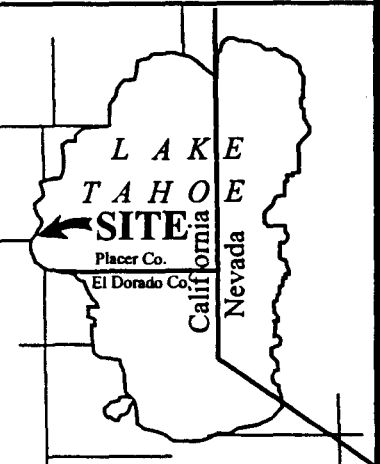


Exhibit A

PRC 6454.1
GENERAL LEASE
RECREATIONAL USE
LAKE TAHOE
PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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EXHIBIT B

PRC 6454.1

LAND DESCRIPTION

A parcel of state sovereign land situated in Lake Tahoe, Placer County, California, more particularly described as follows:

BEGINNING at a point on the southeasterly boundary of Fleur Du Lac Estates Condominium Subdivision, as said boundary is shown on the Condominium Plan of Fleur Du Lac Estates files in Volume 2503 at Page 433 of Placer County Official Records, said point being also Point No. 76 of the State Of California, State Lands Commission survey of the low water mark of Lake Tahoe as shown on the map filed in Book 2 of Surveys at Page 71, Placer County Recorder's Office; thence along said boundary and said survey line North 65° 45' 03" East, 88.57 Feet; thence North 41° 59' 32" East, 107.06 Feet; thence North 25° 47' 41" East, 129.46 Feet; thence leaving said boundary and survey line in a southerly direction the following nineteen courses:

- 1) South 64° 12' 19" East, 21.76 Feet;
- 2) South 03° 15' 00" West, 17.50 Feet;
- 3) North 86° 45' 00" West, 14.50 Feet;
- 4) South 03° 15' 00" West, 53.00 Feet;
- 5) South 08° 52' 20" West, 81.00 Feet;
- 6) South 14° 45' 00" West, 62.41 Feet;
- 7) South 39° 10' 00" East, 5.64 Feet;
- 8) North 50° 50' 00" East, 25.00 Feet;
- 9) South 39° 10' 00" East, 24.00 Feet;
- 10) South 50° 50' 00" West 61.00 Feet;
- 11) North 39° 10' 00" West, 27.00 Feet;
- 12) South 59° 13' 30" West, 46.00 Feet;
- 13) North 30° 46' 30" West, 21.00 Feet;
- 14) North 58° 52' 50" West, 40.43 Feet;
- 15) North 63° 26' 00" West, 20.00 Feet;
- 16) South 65° 45' 03" West, 26.97 Feet;
- 17) South 19° 31' 30" West, 127.31 Feet;
- 18) North 66° 30' 00" West, 62.50 Feet;
- 19) North 19° 31' 30" East, 105.93 Feet to a point on the above mentioned boundary and survey lines; thence easterly and along said lines South 80° 09' 35" East, 37.16 Feet to the point of beginning.

Excepting Therefrom any portion lying landward of the ordinary low water mark of Lake Tahoe.

END OF DESCRIPTION

Revised June 30, 2003



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